

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

IN RE:)	
)	
AREDIA[®] AND ZOMETA[®] PRODUCTS)	No. 3:06-MD-1760
LIABILITY LITIGATION)	
(MDL No. 1760))	JUDGE CAMPBELL
)	
This Document Relates To Case No.:)	MAGISTRATE JUDGE BROWN
)	
3:09-CV-01213 (<i>Esposito</i>))	

**NOVARTIS PHARMACEUTICALS CORPORATION’S RESPONSE IDENTIFYING A
GROUP CASE NOT READY FOR A SUGGESTION OF REMAND**

In response to the Court’s July 30, 2014 Order requesting that the parties identify for the Court the Group 4 cases not yet ready for remand, defendant Novartis Pharmaceuticals Corporation (“NPC”) respectfully submits that the *Esposito* matter should not yet be remanded.

In *Esposito* (Case No. 09-cv-01213), a key health care provider, an oral surgeon, is undergoing chemotherapy and will be unavailable until late September or October 2014. This oral surgeon performed a tooth extraction on the plaintiffs’ decedent which did not heal and eventually developed into what plaintiff alleges to be osteonecrosis of the jaw. NPC needs to depose the oral surgeon, prior to remand, but it cannot do so because of this extraordinary circumstance. NPC therefore requests that this Court not ready this case for remand for at least sixty days to allow time to take this deposition.

For the foregoing reasons, NPC respectfully requests that the Court not enter a suggestion of remand for the *Esposito* case.

August 15, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 15th day of August 2014, served a true and correct copy of the foregoing, by operation of the Court's Electronic Case Filing System, on:

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